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EXAMINER	
CERVETTI, DAVID GARCIA	

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,822	SIEVERS ET AL.	
	Examiner	Art Unit	
	David G. Cervetti	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 March 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 March 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/6/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 144 (Figure 1), 355 (Figure 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: "146" (page 8, line 25, perhaps 144 was intended). Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitty et al. (US Patent Number: 6,199,052).

Regarding claim 1, Mitty et al. teach receiving the email message in a first encrypted format (column 12, lines 32-67, column 18, lines 8-38); decrypting the email message from the first encrypted format (column 12, lines 32-67, column 18, lines 8-38). Mitty et al. also teach transferring an email message to a trusted intermediary (remote server) for validation (column 12, lines 32-67, column 18, lines 8-38). Mitty et al. do not disclose expressly transferring the decrypted email message to a remote server for validation and receiving a status flag from the remote server indicating if the message was validated by the remote server. However, Examiner takes Official Notice that the use of status flags to indicate status was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a status flag to indicate the status of an operation since Examiner takes Official Notice that it was conventional and well known.

Regarding claim 2, Mitty et al. teach encrypting the email message in a second encrypted format before transferring the email message to the remote server (column 11, lines 55-67, column 12, lines 1-26, column 18, lines 8-38).

Regarding claim 3, Mitty et al. do not expressly disclose accessing the email message for use, if the value of the status flag indicates the remote server validated the email message. However, Examiner takes Official Notice that the use of status flags to indicate status and to access data based on the status of a flag was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a status flag to indicate the status of an operation since Examiner takes Official Notice that it was conventional and well known.

Regarding claim 4, Mitty et al. teach wherein in transferring the email message, the first encrypted format is a Secure Multi-purpose Internet Mail Extension (S/MIME) format (columns 11-12).

Regarding claim 5, Mitty et al. do not disclose expressly wherein in receiving the status flag, if the value of the status flag indicates the remote server validated the email message, then subsequent accesses made to the email message do not result in the email message being transferred to the remote server for validation. However, Examiner takes Official Notice that avoiding unnecessary re-authentication based on the value or existence of a flag was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow access to data for which a status flag exists and has a value indicative of valid data, without further re-authentication since Examiner takes Official Notice that it was conventional and well known.

Regarding claim 6, Mitty et al. teach wherein in transferring the email message, the email message is streamed to the remote server (column 17, lines 15-40, as it is part of the formal definition for a S/MIME type email).

5. Claims 7-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitty et al., and further in view of Radatti et al. (US Publication Number: 2002/0129237).

Regarding claim 7, Mitty et al. teach a method to validate a data message, comprising: receiving the data message from a client (column 9, lines 51-67, column 10, lines 1-67, column 18, lines 8-38). Mitty et al. does not disclose expressly scanning the data message for viruses or sending a validation flag to the client, wherein the validation flag includes a value indicating whether the data message includes zero or more of the viruses. However, Radatti et al. teach scanning a message for viruses (page 1, paragraphs 5, 10-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to scan the content of the email message for viruses. One of ordinary skill in the art would have been motivated to do so because it was well known in the art at the time the invention was made to scan email messages for viruses. Furthermore, Examiner takes Official Notice that the use of status flags to indicate status was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a status flag to indicate the status of an operation since Examiner takes Official Notice that it was conventional and well known.

Regarding claim 8, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 7 above. Furthermore, Radatti et al. teach decrypting the data message before scanning the data message (page 2, paragraphs-27-28). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to decrypt the data message before scanning the data message. One of ordinary skill in the art would have been motivated to do so because it provides a way to review encrypted code (Radatti et al., page 1, paragraph 5).

Regarding claim 9, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 8 above. Furthermore, Mitty et al. teach the use of Public Key Encryption (column 11, lines 55-67, column 12, lines 1-25).

Regarding claim 10, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 7 above. Furthermore, Mitty et al. teach wherein in receiving the data message, the data message is an email message and the client is an email client (columns 12-13).

Regarding claim 11, the combination of Mitty et al. and Radatti et al. does not expressly disclose wherein in receiving the data message, the data message is received from an operating system residing on the client. However, Examiner takes Official Notice that it was well known in the art that the operating system as controlling a computer system resources, forwards messages to applications. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the operating system forward messages since Examiner takes Official Notice that it was conventional and well known.

Regarding claim 12, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 7 above. Furthermore, Radatti et al. teach scanning a message for viruses (page 1, paragraphs 5, 10-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to selectively scan the data message for viruses. One of ordinary skill in the art would have been motivated to do so because it was well known in the art at the time the invention was made to scan data messages for viruses.

Regarding claim 13, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 7 above. Furthermore, Mitty et al. teach wherein in receiving the data message, the data message is received as a data stream from the client and scanned as the data stream is received (column 17, lines 15-40, as it is part of the formal definition for a S/MIME type email).

Regarding claim 14, Mitty et al. teach an email system to validate an email message, comprising: a local email set of executable instructions residing on a client (the Exemplary Receiver, columns 12-13); a remote validation set of executable instructions residing on a server (the Trusted Intermediary, columns 9-11); wherein the email message is received by the local email set of executable instructions, decrypted (columns 12-13). Mitty et al. do not disclose expressly wherein the email message is streamed by the local email set of executable instructions to the remote validation set of executable instructions wherein the email message is scanned, but teach remotely scanning the message (the Trusted Intermediary, columns 9-11) and that some of this logic may be re-distributed (column 18, lines 8-38). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to have the local email set of executable instructions stream the decrypted message to the remote server for validation. Examiner takes Official Notice that the use of status/validation flags to indicate status was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a status flag to indicate the status of a scan operation since Examiner takes Official Notice that it was conventional and well known.

Regarding claim 15, the combination of Mitty et al. and Radatti et al. does not expressly disclose wherein the local email set of executable instructions accesses the email message if the result indicates the scan validated the email message. However, Examiner takes Official Notice that to access data messages based on the result of an operation was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to permit access to data if an operation returns a valid result since Examiner takes Official Notice that it was conventional and well known.

Regarding claim 16, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 14 above. Furthermore, Radatti et al. teach scanning a message for viruses (page 1, paragraphs 5, 10-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to scan the content of the email message for viruses. One of ordinary skill in the art would have been motivated to do so because it was well known in the art at the time the invention was made to scan email messages for viruses.

Regarding claim 17, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 14 above. Furthermore, Radatti et al. teach wherein the local email set of executable instructions removes the data message if the result indicates the scan did not validate the email message (page 2, paragraph 24). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to remove a message if it is determined that it contains viruses. One of ordinary skill in the art would have been motivated to do so because it was well known in the art at the time the invention was made to remove or quarantining messages containing viruses.

Regarding claim 18, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 14 above. Furthermore, Mitty et al. teach wherein communications between the local email set of executable instructions and the remote validation set of executable instructions are secure (columns 1-2, column 11, lines 55-67, column 12, lines 1-25).

Regarding claim 19, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 18 above. Furthermore, Mitty et al. teach wherein public and private key pairs associated with the client and the server are used to encrypt and authenticate the communications (column 11, lines 55-67, column 12, lines 1-25).

Regarding claim 20, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 14 above. Furthermore, Mitty et al. teach wherein the email message includes an attachment message (column 8, lines 14-20) and wherein

the email message is in a Secure Multi-purpose Internet Mail Extension (S/MIME) format when received by the local email set of executable instructions (columns 11-12).

Regarding claim 21, Mitty et al. teach a first encrypted format associated with content data of the email message, wherein an email client decrypts the first encrypted format to render the content data (column 12, lines 32-67, column 18, lines 8-38); and a second encrypted format associated with the content data, wherein the email client generates the second encrypted format, and wherein the email client transfers the second encrypted format to a remote server where the content data is rendered by the remote server by decrypting the second encrypted format (column 12, lines 32-67, column 18, lines 8-38). Mitty et al. does not disclose expressly wherein the remote server scans the content data for viruses. However, Radatti et al. teach a virus scanner (page 1, paragraphs 5, 10-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to scan the content of the email message for viruses. One of ordinary skill in the art would have been motivated to do so because it was well known in the art at the time the invention was made to scan email messages for viruses.

Regarding claim 22, the combination of Mitty et al. and Radatti et al. does not expressly disclose wherein a validation flag indicating whether zero or more of the viruses are detected in the content data is generated by the remote server and sent to the email client. However, Examiner takes Official Notice that the use of status flags to indicate status and to access data based on the status of a flag was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art

at the time the invention was made to use a status flag to indicate the status of an operation since Examiner takes Official Notice that it was conventional and well known.

Regarding claim 23, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 21 above. Furthermore, Mitty et al. teach wherein the first encrypted format is a Secure Multi-Purpose Internet Mail Extension (S/MIME) format (columns 11-12).

Regarding claim 24, the combination of Mitty et al. and Radatti et al. does not disclose expressly wherein the second encrypted format is generated by using a private key for the email client and a public key for the remote server. Mitty et al. teach using the recipient's public key and RSA-encryption and the combination of symmetrically-encrypted contents and publicly-encrypted key are combined to form the envelopedData structure (column 11, lines 55-67, column 12, lines 1-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to encrypt data by using a private key for a sender and a public key a remote server. One of ordinary skill in the art would have been motivated to do so because it was well known in the art at the time the invention was made to use Public Key Cryptography to encrypt email messages.

Regarding claim 25, the combination of Mitty et al. and Radatti et al. does not expressly disclose wherein the email client accesses the content data for use when the remote server detects no viruses. However, Examiner takes Official Notice that the use of status flags to indicate status and to access data based on the status of a flag was conventional and well known. Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to accesses the content data when no viruses are detected since Examiner takes Official Notice that it was conventional and well known.

Regarding claim 26, the combination of Mitty et al. and Radatti et al. teaches the limitations as set forth under claim 21 above. Furthermore, Mitty et al. teach wherein the content data includes text data and attachment data (column 8, lines 14-20).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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